

Municipal Council Meeting Minutes
Tuesday, July 14, 2009
7:00 PM Town Hall Auditorium

Call to Order 7:05PM

Pledge of Allegiance – Councilor Lavoie

Roll Call: Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Roger Benson

Accept Minutes: June 9, 2009

Councilor Ferguson motioned to accept, Councilor Dunford second – Voted Unanimous

2009-074 General Business License – DJ Cleaning Co., 53 Congress St.

Councilor Lavoie motioned for approval subject to the usual stipulations as well as a stipulation that there will be no customers entering and exiting the premises, Councilor Dunford second.

Voted – Unanimous

2009-075 Common Victualler License – Tropical Hot Dog, Town Ways

Councilor Lavoie motioned to table because a representative from Tropical Hot Dog did not attend the meeting, Councilor McMilleon second. Voted - Unanimous

Public Comment

James Thivierge – 106 Friend St. – Mr Thivierge stated the close of business is July 15th. He is not sure the inter-municipal agreement for health services is going to work

Jane Snow, 54 Fern Ave. – Ms. Snow spoke regarding the Health Services Plan. She believes there is more work to be done and asks the council to table 2009-064.

Mayoral Appointments

2009-079 Appoint Amy Courtney – Board of Health term to expire 6/30/11

Councilor Ferguson motioned to accept 2009-079 as submitted, Councilor Neale second.

Voted - Unanimous

2009-080 Appoint Matthew Steinel – Board of Health term to expire 6/30/12

Councilor Ferguson motioned to accept 2009-080 as submitted, Councilor Dunford second.

Voted - Unanimous

Late File

2009-081 Re-appointment of John Moughan to the Trustee Memorials to expire 6/30/12

Councilor Sherwood motioned to accept 2009-081 as a late file, Councilor Neale second.

Voted – Unanimous

Councilor Ferguson motioned to accept 2009-081 as submitted, Councilor Neale second.

Voted – Unanimous

Second Readings

2009-034 A Request that the Municipal Council accept a transfer of property 44 S. Hampton Rd. – Mayor Kezer sponsor

President Benson read 2009-034 into the record and noted the Ordinance recommended approval as submitted.

Councilor Neale stated the Finance Committee recommended approval as submitted.

*Councilor Sherwood motioned to accept 2009-034 as submitted, Councilor Gilday second.
Voted – Unanimous*

2009-050 An Order to authorize the Mayor to accept grants/gifts up to \$5,000.00 – Mayor Kezer sponsor.

President Benson read 2009-050 into the record. The Ordinance Committee recommended approval as amended: Subject to the following requirements the Mayor is authorized to accept and expend funds from various grants and gifts provided that the individual grant or gift does not exceed \$5,000.00 and that there is no local funding match. The Mayor shall on the last business day of each month notify both the Municipal Council and the Chief Financial Officer in writing of the receipt of such a grant or gift, including the source of the funds, the purpose of the funds, and of the individual or department who will be responsible for the administration of the grant or gift. If within 15 days thereof the Municipal Council does not disapproved of the Mayor's proposed acceptance of such a grant or gift, the Mayor shall be authorized to accept and expend funds from such grant provided that the individual grant or gift does not exceed \$5,000.00 and there is no local funding match.

Councilor Neale stated the Finance Committee recommended approval as submitted.

*Councilor McMilleon motioned to approve 2009-050 as amended by the Ordinance Committee,
Councilor Chatigny second.
Roll Call Vote – Unanimous*

2009-058 Accept \$100.00 donation to Student Awareness Fire Education – Mayor Kezer sponsor
President Benson read 2009-058 into the record.

Councilor Neale read the recommendation of the Finance Committee to accept.

Councilor Ferguson motioned to accept 2009-058 as submitted, Councilor Dunford second.
Roll Call Vote – Unanimous

2009-059 Accept \$50.00 donation to Student Awareness Fire Education – Mayor Kezer sponsor
President Benson read 2009-059 into the record.

Councilor Neal read the recommendation of the Finance Committee to accept.

*Councilor Dunford motioned to accept 2009-059 as submitted, Councilor Neale second.
Roll Call Vote – Unanimous*

2009-064 Authorize Mayor to enter 3 year inter-municipal agreement for Health Dept – Mayor Kezer sponsor cont.
President Benson read 2009-064 into the record.

Councilor Neale read the Finance Committee recommendation to accept.

Councilor Lavoie stated there have been various meetings and workshops on this bill. The Town of Salisbury has voted to accept this agreement and Newburyport has voted to table this until some

more questions are answered and to see the final draft that Amesbury votes for tonight. The Ordinance Committee voted to accept as per the following amendments:

In Section 1.1 add **but only** in line 2 before *for the services set forth herein*.

Add Section **2.4 Nothing herein shall diminish the powers and duties of each municipality's Board of Health under applicable law.**

Add Section **3.3.2 A written record shall be kept of the decisions made during the meetings of the Administrative Steering Committee, which records shall be sent for filing with each municipality's Town/City Clerk's and copies of which shall be sent to each municipality's Board of Health members.**

At the heading in Section 4 have a lead in "**Subject to the provisions of Section 2.3, this agreement applies to the following services:**

In Section 7.1, where the words *approval of the Mayor* appears twice to add a parenthetical **(or an override of any veto)**

In Section 7.4 on line 2 after unpaid financial obligations add **for services rendered**

In Section 7.5 at the end of line 1 add the word **any** and at the end of line 2 put a ; after the word agreement

In Section 8.2 change the next to the last word from *their* to **his/her**

In Section 9.3 after the word *Mayors* add **and Councils** and after the word *Manager* add the word **and Selectmen**

With respect to paragraph 10 on indemnification the committee makes no recommendation beyond that it should be referred back to the Town Counsel to double check that it makes sense and that liability and indemnity are dovetailed with the insurance coverage, and in line 6 the word *resultant* should be change to the word **result**

At the bottom of page 7 before the signatures the term *mutual* be changed to **the unanimous** and again after the words *approval of its Mayor* appears twice, add a parenthetical **(or an override of any veto)**

Councilor McMilleon asked what the roll of the steering committee will be. Councilor Lavoie stated the steering committee will see that the policies created by the three Boards of Health will be carried out and adjusted if necessary. If the Board's of Health do not agree with the Steering Committee they will go to their individual appointing authority. Councilor McMilleon asked what would happen if a community backed out of the agreement, Kendra Amaral stated if any community backed out the contract doesn't stand.

Councilor Sherwood believes the changes made will improve articulation of the expectations and what performance looks like and there is sufficient room for the Boards of Health, the executives, Councils and Board of Selectman to act on dissatisfaction and bad performance. There are a lot of levers written into this agreement for pressure to be exerted on the performance of this agreement.

Councilor Dunford feels this good place to start looking at ways to run a more efficient and effective form of government. If this agreement does not work well the town can always back out of it. He doesn't believe the council should table this bill tonight. The agreement looks good to him and he does not think there is anything missing to persuade him to wait a while longer. He can't think of anything to add to the agreement to alleviate any of the concerns the public may have.

Councilor Neale states the contract starts July 1, 2009 and terminates June 30, 2012 unless otherwise renewed by the municipalities. Every three years there has to be an affirmation on the council's part that the agreement is working for all three municipalities. If change is needed it will be incorporated into the agreement. He feels very comfortable with the agreement maturing over time and that it will be very beneficial.

Councilor Chatigny thanked the Board of Health and the Mayor's office for finding their way thru a difficult situation. They recognized that each entity has the best interests of the citizens at heart and moved forward in cooperation.

President Benson believes this has become a document everyone can be proud to support. He knows going forward there will be more regionalization in municipal government.

*Councilor Lavoie motioned to adopt 2009-064 as amended in version 8, Councilor Neale second.
Roll Call Voted – Unanimous*

Recess 8:35 – 8:40

2009-065 Transfer to snow & ice to cover FY09 – Mayor Kezer sponsor
Summary: to authorize a transfer of \$347,000 from various departments to Snow and Ice Removal Expenses to cover expenditures through the balance of FY2009.

6/30/09 Fin Com discharged back to MC for approval

President Benson read 2009-065 into the record.

Councilor Ferguson motioned to approve 2009-065 as submitted, Councilor Chatigny second.

Roll Call Vote - Unanimous

2009-066 Transfer between General Department funds – Mayor Kezer sponsor
Summary: To authorize a transfer between General Department Funds in the amount of \$61,500.00 to cover expenditures through the balance of FY2009.

6/30/09 Fin Com discharged back to MC for approval

President Benson read 2009-066 into the record.

Councilor Chatigny motioned to approve 2009-066 as submitted, Councilor Dunford second.

Roll Call Vote - Unanimous

2009-067 Transfer within the Landry Stadium fund – Mayor Kezer sponsor
Summary: to authorize a transfer of \$ 5,500 within the Landry Stadium Fund from Landry Surplus to Landry Expense to cover expenditures through the balance of FY2009.

6/30/09 Fin Com discharged back to MC for approval

President Benson read 2009-067 into the record.

Councilor McMilleon motioned to approve 2009-067 as submitted, Councilor Dunford second.

Roll Call Vote - Unanimous

2009-068 Transfer from Youth fund to Youth Services– Mayor Kezer sponsor

Summary: to authorize a transfer of \$ 11,400 with in the Youth Fund from Youth to Youth Services to cover expenditures through the balance of FY2009.

6/30/09 Fin Com discharged back to MC for approval

President Benson read 2009-068 into the record.

Councilor Sherwood motioned to accept 2009-068 as submitted, Councilor Gilday second.

Roll Call Vote - Unanimous

2009-069 Accept a \$500.00 donation to Student Awareness Fire Education Program – Mayor Kezer sponsor

Summary: that the Municipal Council vote to accept a donation for the Student Awareness Fire Education program in the amount of \$500.00 from The Newburyport Bank.

6/30/09 Fin Com discharged back to MC for approval

President Benson read 2009-069 into the record.

Councilor Ferguson motioned to accept 2009-069 as submitted, Councilor Dunford second.

Roll Call Vote - Unanimous

10. First Readings

2009-077 Accept \$200.00 donation – Student Awareness Fire Education – Mayor Kezer

Summary: that the Municipal Council vote to accept a donation to the Student Awareness Fire Education program in the amount of \$200.00 from Morrill Electric.

Councilor Sherwood motion to return 2009-077 to the Mayor without prejudice (ref bill 2009-050), Councilor Dunford second.

Voted - Unanimous

2009-078 Transfer \$160,000 from Ambulance Receipts – Mayor Kezer

Summary: That \$ 160,000.00 be transferred from the Ambulance Receipts for the purpose of purchasing a new Ambulance and/or chassis.

Councilor Gilday motioned to refer 2009-078 to the Finance Committee, Councilor Dunford second.

Voted - Unanimous

Late File

2009-083 A request that the municipal Council vote to place on the November 3, 2009 ballot the attached revisions to the Amesbury Home Rule Charter – Mayor Kezer sponsor

Councilor Lavoie motioned to accept 2009-083 as a late file, Councilor McMilleon second.

Voted – 8 Yes, 1 No (Dunford)

Councilor Sherwood motioned to refer 2009-083 to the Ordinance Committee, Councilor Chatigny second.

Voted - Unanimous

11. Correspondence

a. President/Vice President Communications

Correspondence for the record – More questions by Jim Thivierge

b. Communication from Elected Officials, Boards and Commissions

2009-076 Resignation of Anne Iacobucci, Board of Library Trustees

Summary: Declare seat vacant per Section 4-7 of the Charter

Councilor Lavoie read 2009-076 into the record.

Councilor Dunford motioned to accept 2009-076 and declare the seat vacant, Councilor Chatigny second.

Voted - Unanimous

c. Council Communications, Announcements and Committee Reports

Councilor McMilleon motioned to adjourn, Councilor Neale second.

Adjournment 9:15PM

Respectfully submitted,
Assistant Town Clerk